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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,989	05/15/2001	Edward D. Brill	2206.64630	9366
24978	7590	09/29/2005	EXAMINER	
GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606			PRONE, JASON D	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 09/855,989	Applicant(s) BRILL ET AL.	
	Examiner Jason Prone	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 15, 16 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/15/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soultanian (6,163,092) in view of Pfenning (3,735,297). In regards to claim 1, Soultanian discloses the invention including a stationary piece (10) having a plurality of laminations (38), a moving piece (12) having a plurality of laminations (40), and the moving piece is hingedly secured to the stationary piece by interlocking the moving piece laminations with the stationary piece laminations (20).

In regards to claim 2, Soultanian discloses an electric coil (14), a movement control system connected to the stationary piece and the moving piece (32) having at least one spring (22) and at least one device for adjusting the tension (34).

In regards to claims 3, 4, and 7, Soultanian discloses the coil is on the stationary piece (Fig. 2), a driver (24) crimped to the moving piece (18) for connection to a motor load (26), and a hinge holder having a first surface that retains the moving piece axially while still allowing the moving piece to rotate (Fig. 2).

In regards to claims 11-13, Soultanian discloses a coil bobbin (16) on the stationary piece around which the coil is wound (Fig. 1), the coil bobbin also has an extension to which the movement control system is connected to (30), the movement

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control system is connected to the driver (Fig. 1), and a low friction insert between the stationary and moving pieces where they are hinged (20).

However, Soultanian fails to disclose the moving piece laminations and the stationary piece laminations form a hinge which secures the moving piece laminations to the stationary piece laminations.

Pfenning teaches moving piece laminations (16) and the stationary piece laminations (10) form a hinge which secures the moving piece laminations to the stationary piece laminations (18). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided '092 with a hinge formed by the moving and stationary laminations, as taught by Pfenning, to allow the apparatus to incorporate less parts by substituting a hinge formed by the moving and stationary laminations instead of a third party hinge apparatus.

3. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soultanian in view of Pfenning as applied to claims 1 and 4 above, and further in view of WO 00/27599. Soultanian and Pfenning disclose the invention but fail to disclose a hinge holder having a second surface that biases the moving piece radially while still allowing the moving piece to rotate. WO 00/27599 teaches of a hinge holder having a second surface that biases the moving piece radially while still allowing the moving piece to rotate (22). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Soultanian in view of Pfenning with a hinge holder having a second surface, as taught by WO 00/27599, to bias the moving piece radially while still allowing the moving piece to rotate.

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4. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soultanian in view of Pfenning. Soultanian and Pfenning disclose the invention including that the circular shaped end fits inside the circular shaped opening (Fig. 6 in Soultanian and 18 in Pfenning) and the movement control system is located at a second end of the moving piece (Fig. 12 in Soultanian).

However, Soultanian and Pfenning fail to disclose that the stationary piece has the circular shape at a first end and the moving piece forms the circular shaped opening at a first end. It would have been obvious to one having ordinary skill in the art at the time the invention was made to switch the circular shaped end and the circular shaped opening, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Soultanian in view of Pfenning with a hinge having the circular shaped end of the stationary piece fitting inside of the circular shaped opening of the moving piece, to allow for an alternate method of forming a hinge.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soultanian in view of Pfenning as applied to claims 1 and 2 above, and further in view of Davis (3,357,101). Soultanian and Pfenning disclose the invention including the movement control system includes a screw (34 in Soultanian) having threads and a head (Fig. 1 in Soultanian).

However, Soultanian and Pfenning fail to disclose the screw being adjustably threaded in an opening in the stationary piece, the screw passes freely through an

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opening in the moving piece, the stationary piece opening is located on one side of the moving piece opening and the screw head is located on the other side of the moving piece opening, a first spring between the stationary and moving pieces, and a second spring between the moving piece and the screw head. Davis teaches a screw (46) being adjustably threaded in an opening in the stationary piece (40), the screw passes freely through an opening in the moving piece (41), the stationary piece opening is located on one side of the moving piece opening and the screw head is located on the other side of the moving piece opening (Fig. 2), a first spring between the stationary and moving pieces (50), and a second spring between the moving piece and the screw head (Fig. 2). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Soultanian in view of Pfenning with the movement control system characteristics, as taught by Davis, to allow for a more precise adjustment.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soultanian in view of Pfenning as applied to claims 1 and 2 above, and further in view of Huppert, Sr. (5,771,538). Soultanian and Pfenning disclose the invention but fail to disclose at least one grease channel in the hinge. Huppert, Sr. teaches a grease channel (8) in a hinged structure (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Soultanian in view of Pfenning with a grease channel, as taught by Huppert, Sr., to allow for a smoother hinged surface.

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7. Claims 17, 18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soultanian in view of Wahl et al. (5,787,587) and Pfenning. In regards to claim 17, Soultanian discloses the invention including a stationary piece (10) having a plurality of laminations (38) and a coil (14), a moving piece (12) having a plurality of laminations (40), the moving piece is hinged to the stationary piece at one end by interlocking the moving piece laminations directly with the stationary piece laminations (20), a driver (24) at another end of the moving piece (Fig. 2), and a movement control system connected to the stationary piece and the moving piece (32) having at least one spring (22) and at least one device for adjusting the tension (34).

In regards to claims 18 and 21, Soultanian discloses a hinge holder having a first surface that retains the moving piece axially while still allowing the moving piece to rotate (Fig. 2), a coil bobbin (16) on the stationary piece around which the coil is wound (Fig. 1), and the coil bobbin also has an extension to which the movement control system is connected to (30).

However, Soultanian fails to disclose a case having at least one attachment point for securing the motor, a stationary blade, a moving blade adapted for reciprocation across the moving blade, a motor secured to the case at the attachment point, the moving piece laminations and the stationary piece laminations form a hinge which secures the moving piece laminations to the stationary piece laminations, the driver and the moving blade are coupled for movement of the moving blade, the stationary piece and the moving piece have a plurality of laminations and a hinge made of interlocking laminations of the stationary and moving pieces.

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Wahl et al. teaches a case having at least one attachment point for securing the motor (Fig. 1), a stationary blade (104), a moving blade (122) adapted for reciprocation across the moving blade (A), a motor secured to the case at the attachment point (Fig. 1), and the driver and the moving blade are coupled for movement of the moving blade (120). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Soultanian with hair clipper components, as taught by '587, to allow for use as a hair clipper.

Pfenning teaches moving piece laminations (16) and the stationary piece laminations (10) form a hinge which secures the moving piece laminations to the stationary piece laminations (18). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided '092 with a hinge formed by the moving and stationary laminations, as taught by Pfenning, to allow the apparatus to incorporate less parts by substituting a hinge formed by the moving and stationary laminations instead of a third party hinge apparatus.

8. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soultanian in view of Wahl et al. and Pfenning as applied to claims 17 and 18 above, and further in view of WO 00/27599. Soultanian, Wahl et al., and Pfenning disclose the invention but fail to disclose a hinge holder having a second surface that biases the moving piece radially while still allowing the moving piece to rotate. WO 00/27599 teaches a hinge holder having a second surface that biases the moving piece radially while still allowing the moving piece to rotate (22). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have

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provided '092 in view of '587 with a hinge holder having a second surface, as taught by WO 00/27599, to bias the moving piece radially while still allowing the moving piece to rotate.

Response to Arguments

9. Applicant's arguments with respect to claims 1-14 and 17-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

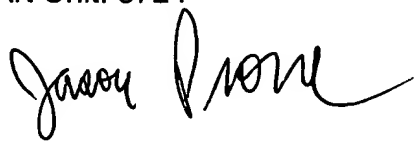
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September 21, 2005

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A handwritten signature in black ink, appearing to read "Jason Prone". The signature is fluid and cursive, with the first name "Jason" written in a slightly larger, more prominent script than the last name "Prone".

Patent Examiner

Jason Prone

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T.C. 3700